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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,046	02/20/2002	Hardayal Singh Gill	SJ09-2001-0142/11758	2452

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INTERNATIONAL BUSINESS MACHINES CORPORATION
5600 COTTLE ROAD, DEPT. L2PA/010
INTELLECTUAL PROPERTY LAW
SAN JOSE, CA 95193-0001

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

10/081,046

Applicant(s)

GILL, HARDAYAL SINGH

Examiner

Christopher R. Magee

Art Unit

2653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 24 November 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

41.37

ONE COPY

To avoid dismissal of the appeal, applicant must file ~~IN TRIPPLICATE~~ a complete new brief in compliance with 37 CFR 1.192(e) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

41.37

1. ☒ The brief does not contain the items required under 37 CFR 1.192(e), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The content and format of the Appeal Brief is not in accordance with the Rules of Practice before the Board of Patent Appeals and Interferences (effective 13 September 2004). The brief must contain the following items (Section 41.37(c)): Section V: Summary of claimed subject matter (replacing "summary of invention"); Section VI: Grounds of rejection to be reviewed on appeal (replacing "issues for review" and "grouping of claims"); Section VII: Argument (needs to be revised): a. A separate heading is required for each ground of rejection; 2. Any claim(s) argued separately should be placed under a subheading; 3. A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim; 4. When multiple claims subject to the same ground of rejection are argued as a group, the Board may select a single claim from the group to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone.

C R Magee
1/19/2005